

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

|                                   |   |                                     |
|-----------------------------------|---|-------------------------------------|
| Robert Holland Koon,              | ) |                                     |
|                                   | ) |                                     |
| Plaintiff,                        | ) | Civil Action No. 8:04-21998-RBH-BHH |
|                                   | ) |                                     |
| vs.                               | ) | <b><u>ORDER</u></b>                 |
|                                   | ) |                                     |
| Richard Bazzle; James Sewell;     | ) |                                     |
| Stephen Claytor; FNU Brooks;      | ) |                                     |
| Blake Taylor; NFN Gore, NGN Daly; | ) |                                     |
| NFN Blackwell; NFN Chastain,      | ) |                                     |
|                                   | ) |                                     |
| Defendants.                       | ) |                                     |
|                                   | ) |                                     |

The plaintiff, a state prisoner proceeding *pro se*, seeks relief pursuant to Title 42, United States Code, Section 1983. This matter is before the court on the plaintiff's motion to compel.<sup>1</sup>

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(A), and Local Rule 73.02(B)(2)(e), D.S.C., all pretrial matters in cases involving *pro se* litigants are referred to a United States Magistrate for consideration.

On October 6, 2004, the plaintiff filed a motion asking the court to order the SCDC inmate grievance administrator to supply the court with copies of all grievances he has filed since June 8, 2004, together with a copy of "the relevant policy section that sets forth a time limit to respond to grievances." Presumably, the plaintiff is referring to the SCDC inmate grievance procedure.

The plaintiff's motion is more properly in the form of a discovery request. Moreover, it was filed before any of the defendants in this matter were served with the

---

<sup>1</sup>The plaintiff titled his motion as "Plaintiff Amended Reply to Court Interrogatories." However, it was docketed as a motion to compel, and this court treats it as such.

complaint, and it appears that none of the defendants were served with this motion. Since the filing of the motion, seven of the original defendants were dismissed from the action, and summonses for the remaining defendants were issued on November 30, 2004. This court cannot properly rule on a motion which was never served on the defendants.

Now, therefore,

IT IS ORDERED that the plaintiff's motion to compel is denied.

IT IS SO ORDERED.

s/Bruce H. Hendricks  
United States Magistrate Judge

September 1, 2005

Greenville, South Carolina